

REMARKS

The following comments are responsive to the Office Action of November 28, 2008 ("Action"). Claims 1-41 are currently pending and stand rejected. Reconsideration and allowance are respectfully requested.

Claim Amendment

Claims 1, 28, and 40 have been amended to correct typographical errors. Applicants request entry of this amendment as it does not raise new issues or require further search.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-14, 16, 19-23, 25, and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0917355 A1 to Szucs et al. (hereafter referenced as Szucs) in view of U.S. Patent 6,401,242 B1 to Eyer et al. (hereafter referenced as Eyer). Claims 15, 17, 18, 26, 31-36, and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szucs in view of Eyer as applied to claims 1-14, and further in view of U.S. Patent 5,671,219 to Jensen et al. (hereafter referenced as Jensen). Claims 24, 37, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szucs in view of Eyer as applied to claims 1-14, further in view of Jensen, and further in view of U.S. Patent 6,965,770 B2 to Walsh, et al. (hereafter referenced as Walsh). Applicants respectfully traverse.

For at least the following reasons, Applicants submit that the cited combination, even if proper, fails to teach or suggest all of the features recited in the claims, and hence the Action has failed to establish a *prima facie* case of obviousness. Applicants respectfully submit that the Action has mistakenly interpreted the contents of Eyer and Szucs. Furthermore, Applicants submit that the hindsight analysis is being used to arrive at the subject-matter of the claims.

With reference to claim 1, the Action has failed to show that the combination discloses "splitting the at least one service information table into sub-tables, wherein each sub-table identifies a certain transport stream" in combination with "establishing a mother table configured to maintain a sub-table of the certain transport stream and sub-tables of adjacent transport streams of the certain transport stream," for at least the two reasons noted below.

First, Applicants submit that the remarks on pages 2-3 of the Action are incorrect. Eyer uses conventional broadcast technology, and nowhere are the splitting features of claim 1 identified, even implicitly. Filtering IPG is not the same as splitting one service information table into sub-tables. Filtering is a genus, i.e., more generic definition, than the feature of splitting one service information table into sub-tables. A genus does not disclose any specifics falling within the terms of the genus. Furthermore, in col. 6, lines 1 - 12, Eyer describes filtering IPG, but only at the integrated receiver decoder IRD, which is the end point of distribution. Thus, there is no need to create any new tables for any devices further “downstream” of the data flow (as there are no devices after the last device in a chain), nor would there be any motivation to further create the claimed table structure at the end point of distribution. Therefore, the cited combination, even if proper, does not teach or suggest “splitting the at least one service information table into sub-tables, wherein each sub-table identifies a certain transport stream,” as recited in claim 1.

Similarly, the cited combination fails to disclose the mother table of claim 1. The “final IPG data” of Eyer is not a “mother table,” as alleged in the Action. The passage of Eyer cited in the Action, namely, col. 4 lines 31-37 and col. 5 lines 60-67, disclosing title, program description, and scheduling information, are very conventional and known features of broadcasting. However, the cited passages do not disclose the mother table claim feature. Final IPG data is a more generic definition than a mother table, so it cannot anticipate or disclose a mother table. Also, the integrated receiver decoder IRD, which is at the end point of distribution, would not create such a mother table, similar to the discussion provided above. Thus, the cited combination, even if proper, does not teach or suggest “establishing a mother table configured to maintain a sub-table of the certain transport stream and sub-tables of adjacent transport streams of the certain transport stream,” as recited in claim 1. Therefore, Applicants respectfully submit that the Action has failed to establish a *prima facie* case of obviousness and request that the rejection under 35 U.S.C. § 103 be withdrawn.

Each of claims 2-41 is allowable at least for some of the reasons analogous to those given in support of claim 1 in addition to the features they recite.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: February 25, 2009

By: /Christopher M. Swickhamer/
Christopher M. Swickhamer
Registration No. 59,853
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Fax: 312-463-5001